

SENATE BILL 168

N1
SB 762/15 – JPR

6lr1084
CF 6lr1184

By: **Senators Feldman and Rosapepe**

Introduced and read first time: January 18, 2016

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Installation and Use of Electric Vehicle Recharging Equipment**

3 FOR the purpose of providing that certain provisions of a recorded covenant or restriction,
4 a declaration, or the bylaws or rules of a condominium or homeowners association
5 are void and unenforceable; establishing certain requirements and procedures
6 relating to an application to the governing body of a condominium or homeowners
7 association to install or use electric vehicle recharging equipment; requiring certain
8 owners of electric vehicle recharging equipment to be responsible for certain costs
9 and disclosures; requiring a unit or lot owner to obtain certain permits or approval
10 required for electric vehicle recharging equipment; requiring the governing body of
11 a condominium or homeowners association to authorize the installation of electric
12 vehicle recharging equipment for the exclusive use of a unit or lot owner in certain
13 areas under certain circumstances; authorizing the governing body of a
14 condominium or homeowners association to install electric vehicle recharging
15 equipment in certain areas and to develop reasonable rules for use of the equipment;
16 authorizing the governing body of a condominium or homeowners association to
17 create new parking spaces under certain circumstances; requiring certain landlords
18 to approve a certain request of a tenant to install electric vehicle recharging
19 equipment under certain circumstances; providing that a landlord is not required to
20 provide an additional parking space to a tenant to accommodate electric vehicle
21 recharging equipment and may charge a reasonable rent for a parking space under
22 certain circumstances; requiring electric vehicle recharging equipment and certain
23 modifications and improvements to property to comply with certain laws and
24 requirements; establishing certain requirements for a tenant's request to install and
25 use electric vehicle recharging equipment; requiring certain tenants to be
26 responsible for certain costs; requiring certain tenants to maintain certain insurance
27 under certain circumstances; requiring certain tenants to obtain certain permits or
28 approval required for electric vehicle recharging equipment; establishing a certain
29 State policy; providing for the application of certain provisions of this Act; defining
30 certain terms; and generally relating to the installation and use of electric vehicle
31 recharging equipment in certain rental property, condominiums, and developments.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Real Property
3 Section 8–119, 8–120, 11–111.4, and 11B–111.7
4 Annotated Code of Maryland
5 (2015 Replacement Volume)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
7 That the Laws of Maryland read as follows:

8 **Article – Real Property**

9 **8–119.**

10 (A) IN THIS SECTION, “ELECTRIC VEHICLE RECHARGING EQUIPMENT” OR
11 “RECHARGING EQUIPMENT” MEANS ANY LEVEL OF ELECTRIC VEHICLE SUPPLY
12 EQUIPMENT STATION THAT:

13 (1) IS DESIGNED AND BUILT IN COMPLIANCE WITH ARTICLE 625 OF
14 THE NATIONAL ELECTRICAL CODE, AS IN EFFECT ON OCTOBER 1, 2016; AND

15 (2) DELIVERS ELECTRICITY INTO A PLUG-IN ELECTRIC VEHICLE
16 FROM A SOURCE OUTSIDE THE VEHICLE.

17 (B) IT IS THE POLICY OF THE STATE TO PROMOTE, ENCOURAGE, AND
18 REMOVE OBSTACLES TO THE USE OF ELECTRIC VEHICLE RECHARGING EQUIPMENT.

19 (C) THIS SECTION APPLIES TO ANY RESIDENTIAL LEASE THAT IS EXECUTED,
20 EXTENDED, OR RENEWED ON OR AFTER OCTOBER 1, 2016.

21 (D) THIS SECTION DOES NOT APPLY TO:

22 (1) PROVISIONS THAT IMPOSE REASONABLE RESTRICTIONS ON THE
23 INSTALLATION OF ELECTRIC VEHICLE RECHARGING EQUIPMENT; AND

24 (2) RESIDENTIAL RENTAL PROPERTY WHERE:

25 (I) ELECTRIC VEHICLE RECHARGING EQUIPMENT ALREADY
26 EXISTS FOR TENANTS IN AT LEAST 10% OF THE DESIGNATED PARKING SPACES; OR

27 (II) PARKING IS NOT PROVIDED AS PART OF THE LEASE
28 AGREEMENT.

1 **(E) A LANDLORD SHALL APPROVE A WRITTEN REQUEST OF A TENANT TO**
2 **INSTALL ELECTRIC VEHICLE RECHARGING EQUIPMENT AT A PARKING SPACE**
3 **ALLOTTED FOR THE TENANT, IF THE REQUEST MEETS THE REQUIREMENTS OF THIS**
4 **SECTION AND COMPLIES WITH THE LANDLORD’S PROCEDURAL APPROVAL PROCESS**
5 **FOR MODIFICATIONS TO THE PROPERTY.**

6 **(F) (1) A LANDLORD IS NOT REQUIRED TO PROVIDE AN ADDITIONAL**
7 **PARKING SPACE TO A TENANT IN ORDER TO ACCOMMODATE ELECTRIC VEHICLE**
8 **RECHARGING EQUIPMENT.**

9 **(2) IF ELECTRIC VEHICLE RECHARGING EQUIPMENT HAS THE**
10 **EFFECT OF PROVIDING A TENANT WITH A RESERVED PARKING SPACE, THE**
11 **LANDLORD MAY CHARGE THE TENANT A REASONABLE RENT FOR THE PARKING**
12 **SPACE.**

13 **(G) (1) ELECTRIC VEHICLE RECHARGING EQUIPMENT AND ALL**
14 **MODIFICATIONS AND IMPROVEMENTS TO THE PROPERTY SHALL COMPLY WITH**
15 **FEDERAL, STATE, AND LOCAL LAW AND ALL APPLICABLE ZONING REQUIREMENTS,**
16 **LAND USE REQUIREMENTS, AND COVENANTS, CONDITIONS, AND RESTRICTIONS.**

17 **(2) A TENANT SHALL OBTAIN ANY PERMIT OR APPROVAL REQUIRED**
18 **FOR ELECTRIC VEHICLE RECHARGING EQUIPMENT BY THE COUNTY OR MUNICIPAL**
19 **CORPORATION IN WHICH THE RESIDENTIAL RENTAL PROPERTY IS LOCATED.**

20 **(H) A TENANT’S WRITTEN REQUEST TO MAKE A MODIFICATION TO**
21 **RESIDENTIAL RENTAL PROPERTY IN ORDER TO INSTALL AND USE ELECTRIC**
22 **VEHICLE RECHARGING EQUIPMENT SHALL INCLUDE THE TENANT’S CONSENT TO**
23 **ENTER INTO A WRITTEN AGREEMENT THAT INCLUDES PROVISIONS RELATING TO:**

24 **(1) COMPLIANCE WITH THE LANDLORD’S REQUIREMENTS FOR THE**
25 **INSTALLATION, USE, MAINTENANCE, AND REMOVAL OF THE RECHARGING**
26 **EQUIPMENT AND THE INSTALLATION, USE, AND MAINTENANCE OF THE**
27 **INFRASTRUCTURE FOR THE RECHARGING EQUIPMENT;**

28 **(2) COMPLIANCE WITH THE LANDLORD’S REQUIREMENTS FOR THE**
29 **TENANT TO PROVIDE A COMPLETE FINANCIAL ANALYSIS AND SCOPE OF WORK**
30 **REGARDING THE INSTALLATION OF THE RECHARGING EQUIPMENT AND THE**
31 **INFRASTRUCTURE;**

32 **(3) THE OBLIGATION OF THE TENANT TO PAY THE LANDLORD ALL**
33 **COSTS ASSOCIATED WITH THE LANDLORD’S INSTALLATION OF THE RECHARGING**
34 **EQUIPMENT AND THE INFRASTRUCTURE BEFORE ANY MODIFICATION OR**
35 **IMPROVEMENT IS MADE TO THE PROPERTY, INCLUDING THE COST OF PERMITS,**

1 SUPERVISION, CONSTRUCTION, AND, IF REQUIRED BY THE CONTRACTOR,
2 CONSISTENT WITH THE CONTRACTOR'S PAST PERFORMANCE OF WORK FOR THE
3 LANDLORD, PERFORMANCE BONDS; AND

4 (4) THE OBLIGATION OF THE TENANT TO PAY, AS PART OF THE
5 TENANT'S RENT, FOR THE COSTS ASSOCIATED WITH THE ELECTRICAL USAGE OF THE
6 SEPARATELY METERED RECHARGING EQUIPMENT, AND COSTS FOR DAMAGE,
7 MAINTENANCE, REPAIR, REMOVAL, AND REPLACEMENT OF THE RECHARGING
8 EQUIPMENT, AND MODIFICATIONS OR IMPROVEMENTS MADE TO THE PROPERTY
9 ASSOCIATED WITH THE RECHARGING EQUIPMENT.

10 (I) IF A LANDLORD APPROVES A TENANT'S WRITTEN REQUEST TO INSTALL
11 ELECTRIC VEHICLE RECHARGING EQUIPMENT, THE TENANT SHALL MAINTAIN IN
12 FULL FORCE AND EFFECT A TENANT'S GENERAL LIABILITY INSURANCE POLICY IN
13 THE AMOUNT OF \$1,000,000 AND SHALL NAME THE LANDLORD AS AN ADDITIONAL
14 INSURED UNDER THE POLICY COMMENCING WITH THE DATE OF APPROVAL OF
15 CONSTRUCTION UNTIL THE TENANT FORFEITS POSSESSION OF THE DWELLING TO
16 THE LANDLORD.

17 8-120.

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
19 INDICATED.

20 (2) "ELECTRIC VEHICLE RECHARGING EQUIPMENT" OR
21 "RECHARGING EQUIPMENT" MEANS A STATION THAT:

22 (I) IS DESIGNED AND BUILT IN COMPLIANCE WITH ARTICLE
23 625 OF THE NATIONAL ELECTRICAL CODE, AS IN EFFECT ON OCTOBER 1, 2016; AND

24 (II) DELIVERS ELECTRICITY INTO ONE OR MORE ELECTRIC
25 VEHICLES FROM A SOURCE OUTSIDE THE VEHICLE.

26 (3) "REASONABLE RESTRICTIONS" OR "REASONABLE STANDARDS"
27 MEANS RESTRICTIONS OR STANDARDS THAT DO NOT SIGNIFICANTLY INCREASE THE
28 COST OF ELECTRIC VEHICLE RECHARGING EQUIPMENT OR SIGNIFICANTLY
29 DECREASE THE EFFICIENCY OR SPECIFIED PERFORMANCE OF THE RECHARGING
30 EQUIPMENT.

31 (B) IT IS THE POLICY OF THE STATE TO PROMOTE, ENCOURAGE, AND
32 REMOVE OBSTACLES TO THE USE OF ELECTRIC VEHICLE RECHARGING EQUIPMENT.

1 **(C) THIS SECTION APPLIES TO ANY COMMERCIAL LEASE THAT IS EXECUTED,**
2 **EXTENDED, OR RENEWED ON OR AFTER OCTOBER 1, 2016.**

3 **(D) THIS SECTION DOES NOT APPLY TO:**

4 **(1) PROVISIONS THAT IMPOSE REASONABLE RESTRICTIONS ON THE**
5 **INSTALLATION OF ELECTRIC VEHICLE RECHARGING EQUIPMENT; AND**

6 **(2) COMMERCIAL PROPERTY WHERE:**

7 **(I) RECHARGING EQUIPMENT ALREADY EXISTS FOR USE BY**
8 **TENANTS IN AT LEAST TWO AVAILABLE PARKING SPACES FOR EVERY 100 PARKING**
9 **SPACES AT THE COMMERCIAL PROPERTY; OR**

10 **(II) THERE ARE LESS THAN 50 PARKING SPACES.**

11 **(E) ANY PROVISION IN A COMMERCIAL LEASE THAT PROHIBITS OR**
12 **UNREASONABLY RESTRICTS THE INSTALLATION OR USE OF ELECTRIC VEHICLE**
13 **RECHARGING EQUIPMENT IN A PARKING SPACE ASSOCIATED WITH THE**
14 **COMMERCIAL PROPERTY, OR THAT IS OTHERWISE IN CONFLICT WITH THE**
15 **PROVISIONS OF THIS SECTION, IS VOID AND UNENFORCEABLE.**

16 **(F) THIS SECTION DOES NOT GRANT A TENANT UNDER A COMMERCIAL**
17 **LEASE THE RIGHT TO INSTALL ELECTRIC VEHICLE RECHARGING EQUIPMENT IN**
18 **MORE PARKING SPACES THAN ARE ALLOTTED TO THE TENANT IN THE LEASE, OR, IF**
19 **NO PARKING SPACES ARE ALLOTTED, A NUMBER OF PARKING SPACES DETERMINED**
20 **BY MULTIPLYING THE TOTAL NUMBER OF PARKING SPACES LOCATED AT THE**
21 **COMMERCIAL PROPERTY BY A FRACTION, THE DENOMINATOR OF WHICH IS THE**
22 **TOTAL RENTABLE SQUARE FEET AT THE PROPERTY, AND THE NUMERATOR OF**
23 **WHICH IS THE NUMBER OF TOTAL SQUARE FEET RENTED BY THE TENANT.**

24 **(G) IF THE INSTALLATION OF ELECTRIC VEHICLE RECHARGING EQUIPMENT**
25 **HAS THE EFFECT OF GRANTING A TENANT A RESERVED PARKING SPACE AND A**
26 **RESERVED PARKING SPACE IS NOT ALLOTTED TO THE TENANT IN THE LEASE, THE**
27 **OWNER OF THE COMMERCIAL PROPERTY MAY CHARGE THE TENANT A REASONABLE**
28 **RENT FOR THE PARKING SPACE.**

29 **(H) (1) ELECTRIC VEHICLE RECHARGING EQUIPMENT SHALL MEET:**

30 **(I) APPLICABLE HEALTH AND SAFETY STANDARDS AND**
31 **REQUIREMENTS IMPOSED BY STATE AND LOCAL AUTHORITIES; AND**

1 **(II) ANY OTHER APPLICABLE ZONING, LAND USE, OR OTHER**
2 **ORDINANCES OR LAND USE PERMIT REQUIREMENTS.**

3 **(2) A TENANT SHALL OBTAIN ANY PERMIT OR APPROVAL REQUIRED**
4 **FOR ELECTRIC VEHICLE RECHARGING EQUIPMENT BY THE COUNTY OR MUNICIPAL**
5 **CORPORATION IN WHICH THE COMMERCIAL PROPERTY IS LOCATED.**

6 **(I) (1) IF THE APPROVAL OF THE LANDLORD IS REQUIRED FOR THE**
7 **INSTALLATION OR USE OF ELECTRIC VEHICLE RECHARGING EQUIPMENT, THE**
8 **LANDLORD MAY NOT WILLFULLY AVOID OR DELAY PROCESSING AND REVIEWING AN**
9 **APPLICATION FOR APPROVAL.**

10 **(2) THE APPROVAL OR DENIAL OF AN APPLICATION SHALL BE IN**
11 **WRITING.**

12 **(J) (1) IF THE APPROVAL OF THE LANDLORD IS REQUIRED, A TENANT**
13 **SHALL OBTAIN APPROVAL FROM THE LANDLORD TO INSTALL ELECTRIC VEHICLE**
14 **RECHARGING EQUIPMENT.**

15 **(2) THE LANDLORD SHALL APPROVE THE INSTALLATION IF THE**
16 **TENANT COMPLIES WITH THE APPLICABLE PROVISIONS OF THE LEASE CONSISTENT**
17 **WITH THIS SECTION AND AGREES IN WRITING TO:**

18 **(I) COMPLY WITH THE LANDLORD'S REASONABLE STANDARDS**
19 **FOR THE INSTALLATION OF THE RECHARGING EQUIPMENT;**

20 **(II) ENGAGE A LICENSED CONTRACTOR TO INSTALL THE**
21 **RECHARGING EQUIPMENT; AND**

22 **(III) WITHIN 14 DAYS AFTER OBTAINING THE LANDLORD'S**
23 **APPROVAL, PROVIDE A CERTIFICATE OF INSURANCE THAT NAMES THE LANDLORD**
24 **AS AN ADDITIONAL INSURED UNDER THE TENANT'S INSURANCE POLICY IN THE**
25 **AMOUNT SPECIFIED IN SUBSECTION (L) OF THIS SECTION.**

26 **(K) THE TENANT SHALL BE RESPONSIBLE FOR:**

27 **(1) COSTS FOR DAMAGE TO THE PROPERTY AND THE RECHARGING**
28 **EQUIPMENT RESULTING FROM THE INSTALLATION, MAINTENANCE, REPAIR,**
29 **REMOVAL, OR REPLACEMENT OF THE RECHARGING EQUIPMENT;**

30 **(2) COSTS FOR THE MAINTENANCE, REPAIR, AND REPLACEMENT OF**
31 **THE RECHARGING EQUIPMENT; AND**

1 **(3) THE COST OF ELECTRICITY ASSOCIATED WITH THE SEPARATELY**
2 **METERED RECHARGING EQUIPMENT.**

3 **(L) A TENANT THAT INSTALLS ELECTRIC VEHICLE RECHARGING**
4 **EQUIPMENT SHALL MAINTAIN:**

5 **(1) A TENANT LIABILITY COVERAGE POLICY IN THE AMOUNT OF**
6 **\$1,000,000 WITH THE LANDLORD AS A NAMED ADDITIONAL INSURED UNDER THE**
7 **POLICY WITH A RIGHT TO NOTICE OF CANCELLATION; AND**

8 **(2) PROPERTY INSURANCE COVERING ANY DAMAGE OR**
9 **DESTRUCTION CAUSED BY THE RECHARGING EQUIPMENT, WITH THE LANDLORD**
10 **NAMED AS THE INTERESTS OF THE LANDLORD MAY APPEAR.**

11 **(M) A LANDLORD MAY, IN THE SOLE DISCRETION OF THE LANDLORD,**
12 **CREATE A NEW PARKING SPACE WHERE ONE DID NOT PREVIOUSLY EXIST TO**
13 **FACILITATE THE INSTALLATION OF ELECTRIC VEHICLE RECHARGING EQUIPMENT,**
14 **IN COMPLIANCE WITH ALL APPLICABLE LAWS.**

15 **(N) ANY INSTALLATION BY A LANDLORD OR A TENANT OF ELECTRIC**
16 **VEHICLE RECHARGING EQUIPMENT IN A CONDOMINIUM IS ALSO SUBJECT TO ALL OF**
17 **THE REQUIREMENTS OF § 11-111.4 OF THIS ARTICLE.**

18 **11-111.4.**

19 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
20 **INDICATED.**

21 **(2) “ELECTRIC VEHICLE RECHARGING EQUIPMENT” MEANS**
22 **PROPERTY IN THE STATE THAT IS USED FOR RECHARGING MOTOR VEHICLES**
23 **PROPELLED BY ELECTRICITY.**

24 **(3) “REASONABLE RESTRICTIONS” MEANS RESTRICTIONS THAT DO**
25 **NOT SIGNIFICANTLY INCREASE THE COST OF ELECTRIC VEHICLE RECHARGING**
26 **EQUIPMENT OR SIGNIFICANTLY DECREASE THE EFFICIENCY OR SPECIFIED**
27 **PERFORMANCE OF THE ELECTRIC VEHICLE RECHARGING EQUIPMENT.**

28 **(B) IT IS THE POLICY OF THE STATE TO PROMOTE, ENCOURAGE, AND**
29 **REMOVE OBSTACLES TO THE USE OF ELECTRIC VEHICLE RECHARGING EQUIPMENT.**

30 **(C) THIS SECTION DOES NOT APPLY TO PROVISIONS THAT IMPOSE**
31 **REASONABLE RESTRICTIONS ON ELECTRIC VEHICLE RECHARGING EQUIPMENT.**

1 **(D) A RECORDED COVENANT OR RESTRICTION, A PROVISION IN A**
2 **DECLARATION, OR A PROVISION IN THE BYLAWS OR RULES OF A CONDOMINIUM**
3 **THAT EFFECTIVELY PROHIBITS OR UNREASONABLY RESTRICTS THE INSTALLATION**
4 **OR USE OF ELECTRIC VEHICLE RECHARGING EQUIPMENT IN A UNIT OWNER'S**
5 **DESIGNATED PARKING SPACE, INCLUDING A DEEDED PARKING SPACE, A PARKING**
6 **SPACE IN AN OWNER'S EXCLUSIVE USE LIMITED COMMON ELEMENT, OR A PARKING**
7 **SPACE THAT IS SPECIFICALLY DESIGNATED FOR USE BY A PARTICULAR OWNER, OR**
8 **IS IN CONFLICT WITH THE PROVISIONS OF THIS SECTION IS VOID AND**
9 **UNENFORCEABLE.**

10 **(E) (1) IF APPROVAL IS REQUIRED FOR THE INSTALLATION OR USE OF**
11 **ELECTRIC VEHICLE RECHARGING EQUIPMENT IN A CONDOMINIUM, THE GOVERNING**
12 **BODY SHALL PROCESS AND REVIEW AN APPLICATION FOR APPROVAL IN THE SAME**
13 **MANNER AS AN APPLICATION FOR APPROVAL OF AN ARCHITECTURAL**
14 **MODIFICATION TO THE CONDOMINIUM.**

15 **(2) THE GOVERNING BODY MAY NOT WILLFULLY AVOID OR DELAY**
16 **PROCESSING AND REVIEWING AN APPLICATION FOR APPROVAL.**

17 **(3) THE APPROVAL OR DENIAL OF AN APPLICATION SHALL BE IN**
18 **WRITING.**

19 **(4) IF AN APPLICATION IS NOT DENIED IN WRITING WITHIN 60 DAYS**
20 **AFTER THE GOVERNING BODY RECEIVES THE APPLICATION, THE APPLICATION**
21 **SHALL BE DEEMED APPROVED, UNLESS THE DELAY IS THE RESULT OF A**
22 **REASONABLE REQUEST FOR ADDITIONAL INFORMATION.**

23 **(F) (1) (I) A UNIT OWNER SHALL OBTAIN APPROVAL FROM THE**
24 **GOVERNING BODY TO INSTALL ELECTRIC VEHICLE RECHARGING EQUIPMENT IN A**
25 **COMMON ELEMENT OR LIMITED COMMON ELEMENT.**

26 **(II) THE GOVERNING BODY SHALL APPROVE THE INSTALLATION**
27 **IF THE UNIT OWNER AGREES IN WRITING TO:**

28 **1. COMPLY WITH THE CONDOMINIUM'S**
29 **ARCHITECTURAL STANDARDS FOR THE INSTALLATION OF THE ELECTRIC VEHICLE**
30 **RECHARGING EQUIPMENT;**

31 **2. ENGAGE A LICENSED CONTRACTOR TO INSTALL THE**
32 **ELECTRIC VEHICLE RECHARGING EQUIPMENT; AND**

33 **3. PAY FOR THE ELECTRICITY USAGE ASSOCIATED WITH**
34 **THE SEPARATELY METERED ELECTRIC VEHICLE RECHARGING EQUIPMENT.**

1 **(2) THE OWNER AND EACH SUCCESSIVE OWNER OF THE ELECTRIC**
2 **VEHICLE RECHARGING EQUIPMENT SHALL BE RESPONSIBLE FOR:**

3 **(I) COSTS FOR DAMAGE TO THE ELECTRIC VEHICLE**
4 **RECHARGING EQUIPMENT, COMMON ELEMENT, OR LIMITED COMMON ELEMENT**
5 **RESULTING FROM THE INSTALLATION, MAINTENANCE, REPAIR, REMOVAL, OR**
6 **REPLACEMENT OF THE ELECTRIC VEHICLE RECHARGING EQUIPMENT;**

7 **(II) COSTS FOR THE MAINTENANCE, REPAIR, AND**
8 **REPLACEMENT OF THE ELECTRIC VEHICLE RECHARGING EQUIPMENT UNTIL IT HAS**
9 **BEEN REMOVED AND FOR THE RESTORATION OF THE COMMON ELEMENT OR**
10 **LIMITED COMMON ELEMENT AFTER REMOVAL;**

11 **(III) THE COST OF ELECTRICITY ASSOCIATED WITH THE**
12 **ELECTRIC VEHICLE RECHARGING EQUIPMENT; AND**

13 **(IV) DISCLOSING TO PROSPECTIVE BUYERS THE EXISTENCE OF**
14 **ANY ELECTRIC VEHICLE RECHARGING EQUIPMENT OF THE OWNER AND THE**
15 **RESPONSIBILITIES OF THE OWNER UNDER THIS SECTION.**

16 **(G) A UNIT OWNER SHALL OBTAIN ANY PERMIT OR APPROVAL REQUIRED**
17 **FOR ELECTRIC VEHICLE RECHARGING EQUIPMENT THAT IS REQUIRED BY THE**
18 **COUNTY OR MUNICIPAL CORPORATION IN WHICH THE CONDOMINIUM IS LOCATED.**

19 **(H) (1) INSTALLATION OF ELECTRIC VEHICLE RECHARGING EQUIPMENT**
20 **FOR THE EXCLUSIVE USE OF A UNIT OWNER IN A COMMON ELEMENT THAT IS NOT A**
21 **LIMITED COMMON ELEMENT FOR THE EXCLUSIVE USE OF THE UNIT OWNER SHALL**
22 **BE AUTHORIZED BY THE GOVERNING BODY ONLY IF INSTALLATION IN THE UNIT**
23 **OWNER'S DESIGNATED PARKING SPACE IS IMPOSSIBLE OR UNREASONABLY**
24 **EXPENSIVE.**

25 **(2) IF THE GOVERNING BODY AUTHORIZES THE INSTALLATION OF**
26 **ELECTRIC VEHICLE RECHARGING EQUIPMENT UNDER THIS SUBSECTION, THE**
27 **GOVERNING BODY SHALL ENTER INTO A LICENSE AGREEMENT WITH THE UNIT**
28 **OWNER FOR THE USE OF THE SPACE IN A COMMON ELEMENT, AND THE UNIT OWNER**
29 **SHALL COMPLY WITH THE REQUIREMENTS OF SUBSECTION (F) OF THIS SECTION.**

30 **(I) (1) THE GOVERNING BODY MAY INSTALL ELECTRIC VEHICLE**
31 **RECHARGING EQUIPMENT IN THE COMMON ELEMENTS FOR THE USE OF ALL UNIT**
32 **OWNERS.**

1 **(2) IF THE GOVERNING BODY INSTALLS ELECTRIC VEHICLE**
2 **RECHARGING EQUIPMENT IN THE COMMON ELEMENTS FOR THE USE OF ALL UNIT**
3 **OWNERS, THE GOVERNING BODY SHALL DEVELOP REASONABLE RULES FOR USE OF**
4 **THE ELECTRIC VEHICLE RECHARGING EQUIPMENT.**

5 **(J) A GOVERNING BODY MAY CREATE A NEW PARKING SPACE WHERE ONE**
6 **DID NOT PREVIOUSLY EXIST TO FACILITATE THE INSTALLATION OF ELECTRIC**
7 **VEHICLE RECHARGING EQUIPMENT.**

8 **(K) A GOVERNING BODY THAT WILLFULLY VIOLATES THIS SECTION SHALL**
9 **BE LIABLE TO THE AFFECTED UNIT OWNER FOR:**

10 **(1) ACTUAL DAMAGES; AND**

11 **(2) A CIVIL PENALTY NOT EXCEEDING \$1,000.**

12 **(L) IN ANY ACTION TO ENFORCE COMPLIANCE WITH THIS SECTION, THE**
13 **COURT SHALL AWARD THE PREVAILING PLAINTIFF REASONABLE ATTORNEY'S FEES.**

14 **11B-111.7.**

15 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
16 **INDICATED.**

17 **(2) "ELECTRIC VEHICLE RECHARGING EQUIPMENT" MEANS**
18 **PROPERTY IN THE STATE THAT IS USED FOR RECHARGING MOTOR VEHICLES**
19 **PROPELLED BY ELECTRICITY.**

20 **(3) "REASONABLE RESTRICTIONS" MEANS RESTRICTIONS THAT DO**
21 **NOT SIGNIFICANTLY INCREASE THE COST OF ELECTRIC VEHICLE RECHARGING**
22 **EQUIPMENT OR SIGNIFICANTLY DECREASE THE EFFICIENCY OR SPECIFIED**
23 **PERFORMANCE OF THE ELECTRIC VEHICLE RECHARGING EQUIPMENT.**

24 **(B) IT IS THE POLICY OF THE STATE TO PROMOTE, ENCOURAGE, AND**
25 **REMOVE OBSTACLES TO THE USE OF ELECTRIC VEHICLE RECHARGING EQUIPMENT.**

26 **(C) THIS SECTION DOES NOT APPLY TO PROVISIONS THAT IMPOSE**
27 **REASONABLE RESTRICTIONS ON ELECTRIC VEHICLE RECHARGING EQUIPMENT.**

28 **(D) A RECORDED COVENANT OR RESTRICTION, A PROVISION IN A**
29 **DECLARATION, OR A PROVISION IN THE BYLAWS OR RULES OF A HOMEOWNERS**
30 **ASSOCIATION THAT EFFECTIVELY PROHIBITS OR UNREASONABLY RESTRICTS THE**
31 **INSTALLATION OR USE OF ELECTRIC VEHICLE RECHARGING EQUIPMENT IN A LOT**

1 OWNER'S DESIGNATED PARKING SPACE, INCLUDING A DEEDED PARKING SPACE, A
2 PARKING SPACE IN AN OWNER'S EXCLUSIVE USE COMMON AREA, OR A PARKING
3 SPACE THAT IS SPECIFICALLY DESIGNATED FOR USE BY A PARTICULAR OWNER, OR
4 IS IN CONFLICT WITH THE PROVISIONS OF THIS SECTION IS VOID AND
5 UNENFORCEABLE.

6 (E) (1) IF APPROVAL IS REQUIRED FOR THE INSTALLATION OR USE OF
7 ELECTRIC VEHICLE RECHARGING EQUIPMENT IN A DEVELOPMENT, THE GOVERNING
8 BODY SHALL PROCESS AND REVIEW AN APPLICATION FOR APPROVAL IN THE SAME
9 MANNER AS AN APPLICATION FOR APPROVAL OF AN ARCHITECTURAL
10 MODIFICATION TO A DWELLING LOCATED ON A LOT IN THE DEVELOPMENT.

11 (2) THE GOVERNING BODY MAY NOT WILLFULLY AVOID OR DELAY
12 PROCESSING AND REVIEWING AN APPLICATION FOR APPROVAL.

13 (3) THE APPROVAL OR DENIAL OF AN APPLICATION SHALL BE IN
14 WRITING.

15 (4) IF AN APPLICATION IS NOT DENIED IN WRITING WITHIN 60 DAYS
16 AFTER THE GOVERNING BODY RECEIVES THE APPLICATION, THE APPLICATION
17 SHALL BE DEEMED APPROVED, UNLESS THE DELAY IS THE RESULT OF A
18 REASONABLE REQUEST FOR ADDITIONAL INFORMATION.

19 (F) (1) (I) A LOT OWNER SHALL OBTAIN APPROVAL FROM THE
20 GOVERNING BODY TO INSTALL ELECTRIC VEHICLE RECHARGING EQUIPMENT IN A
21 COMMON AREA.

22 (II) THE GOVERNING BODY SHALL APPROVE THE INSTALLATION
23 IF THE LOT OWNER AGREES IN WRITING TO:

24 1. COMPLY WITH THE HOMEOWNERS ASSOCIATION'S
25 ARCHITECTURAL STANDARDS FOR THE INSTALLATION OF THE ELECTRIC VEHICLE
26 RECHARGING EQUIPMENT;

27 2. ENGAGE A LICENSED CONTRACTOR TO INSTALL THE
28 ELECTRIC VEHICLE RECHARGING EQUIPMENT; AND

29 3. PAY FOR THE ELECTRICITY USAGE ASSOCIATED WITH
30 THE SEPARATELY METERED ELECTRIC VEHICLE RECHARGING EQUIPMENT.

31 (2) THE OWNER AND EACH SUCCESSIVE OWNER OF THE ELECTRIC
32 VEHICLE RECHARGING EQUIPMENT SHALL BE RESPONSIBLE FOR:

1 **(I) COSTS FOR DAMAGE TO THE ELECTRIC VEHICLE**
2 **RECHARGING EQUIPMENT OR COMMON AREA RESULTING FROM THE INSTALLATION,**
3 **MAINTENANCE, REPAIR, REMOVAL, OR REPLACEMENT OF THE ELECTRIC VEHICLE**
4 **RECHARGING EQUIPMENT;**

5 **(II) COSTS FOR THE MAINTENANCE, REPAIR, AND**
6 **REPLACEMENT OF THE ELECTRIC VEHICLE RECHARGING EQUIPMENT UNTIL IT HAS**
7 **BEEN REMOVED AND FOR THE RESTORATION OF THE COMMON AREA AFTER**
8 **REMOVAL;**

9 **(III) THE COST OF ELECTRICITY ASSOCIATED WITH THE**
10 **ELECTRIC VEHICLE RECHARGING EQUIPMENT; AND**

11 **(IV) DISCLOSING TO PROSPECTIVE BUYERS THE EXISTENCE OF**
12 **ANY ELECTRIC VEHICLE RECHARGING EQUIPMENT OF THE OWNER AND THE**
13 **RESPONSIBILITIES OF THE OWNER UNDER THIS SECTION.**

14 **(G) A LOT OWNER SHALL OBTAIN ANY PERMIT OR APPROVAL REQUIRED FOR**
15 **ELECTRIC VEHICLE RECHARGING EQUIPMENT BY THE COUNTY OR MUNICIPAL**
16 **CORPORATION IN WHICH THE DEVELOPMENT IS LOCATED.**

17 **(H) (1) INSTALLATION OF ELECTRIC VEHICLE RECHARGING EQUIPMENT**
18 **FOR THE EXCLUSIVE USE OF A LOT OWNER IN A COMMON AREA THAT IS NOT LIMITED**
19 **TO THE EXCLUSIVE USE OF THE LOT OWNER SHALL BE AUTHORIZED BY THE**
20 **GOVERNING BODY ONLY IF INSTALLATION IN THE LOT OWNER'S DESIGNATED**
21 **PARKING SPACE IS IMPOSSIBLE OR UNREASONABLY EXPENSIVE.**

22 **(2) IF THE GOVERNING BODY AUTHORIZES THE INSTALLATION OF**
23 **ELECTRIC VEHICLE RECHARGING EQUIPMENT UNDER THIS SUBSECTION, THE**
24 **GOVERNING BODY SHALL ENTER INTO A LICENSE AGREEMENT WITH THE LOT**
25 **OWNER FOR THE USE OF THE SPACE IN A COMMON AREA, AND THE LOT OWNER**
26 **SHALL COMPLY WITH THE REQUIREMENTS OF SUBSECTION (F) OF THIS SECTION.**

27 **(I) (1) THE GOVERNING BODY MAY INSTALL ELECTRIC VEHICLE**
28 **RECHARGING EQUIPMENT IN THE COMMON AREAS FOR THE USE OF ALL LOT**
29 **OWNERS.**

30 **(2) IF THE GOVERNING BODY INSTALLS ELECTRIC VEHICLE**
31 **RECHARGING EQUIPMENT IN THE COMMON AREAS FOR THE USE OF ALL LOT**
32 **OWNERS, THE GOVERNING BODY SHALL DEVELOP REASONABLE RULES FOR USE OF**
33 **THE ELECTRIC VEHICLE RECHARGING EQUIPMENT.**

1 **(J) A GOVERNING BODY MAY CREATE A NEW PARKING SPACE WHERE ONE**
2 **DID NOT PREVIOUSLY EXIST TO FACILITATE THE INSTALLATION OF ELECTRIC**
3 **VEHICLE RECHARGING EQUIPMENT.**

4 **(K) A GOVERNING BODY THAT WILLFULLY VIOLATES THIS SECTION SHALL**
5 **BE LIABLE TO THE AFFECTED LOT OWNER FOR:**

6 **(1) ACTUAL DAMAGES; AND**

7 **(2) A CIVIL PENALTY NOT EXCEEDING \$1,000.**

8 **(L) IN ANY ACTION TO ENFORCE COMPLIANCE WITH THIS SECTION, THE**
9 **COURT SHALL AWARD THE PREVAILING PLAINTIFF REASONABLE ATTORNEY'S FEES.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2016.